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August 16, 2013

Mayor Scott Harbertson  
Farmington City Council  
160 South Main Street  
Farmington, UT 84025

Dear Mayor and City Council:

We are disturbed and disappointed to learn that as if commanded by DNA, members of the Historic Preservation Commission have recommended (over our objection) that our house 104 West 100 North be added to the City Historic Landmarks Register. The July 22<sup>nd</sup> letter to the Mayor and City Council from Annette Tidwell implies our consent. However, our representatives attended the June 27<sup>th</sup> Commission meeting to present our strong objections which is noted in the FCHPC Meeting Notes. Ms. Tidwell and Alyssa Revell were the only attendees for the Commission during Ms. Tidwell's presentation. Our two representatives were the only other people in the room for the discussion.

When we bought the house and property in January, 1986, it was in poor condition and retained little of the amenities mentioned in the nomination. Two of the rooms had an odd, simplistic landscape mural. The depiction was not artistically akin to the mural in the Farmington Main Street Rock Church, for example, and seemed a curious frill. In addition, medieval implements of battle adorned the walls, an interesting swing hung in one of the bedrooms, which also had a trap door leading to a torture themed room below.

Before the home could be used, extensive remodeling was required which included additions to the west and north of the structure, new appliances, roofing, plumbing, electrical, and total painting and refurbishment inside and out. The house, now being in excellent condition, is no longer representative of the original structure.

We ask that the City Council reject the nomination of this house. Preservation of property rights should be our first obligation. When originally purchased by us, it was with the belief that there were not in existence, nor would there be, special conditions and/or restrictions. As owners of this property, there is no benefit, whatsoever, to being listed on the Historic Landmark Register. For 27 years, we have maintained and well cared for our property absent the reign of the Historic Preservation Duopoly. Please respect our wishes and our rights that we may quietly enjoy our property without unnecessary intrusion, as any citizen would want for their own property.

Sincerely,

David W. Freed  
Lagoon Investment Company

DWF:jc

COPY TO: Councilman John Bilton  
Councilwoman Cindy Roybal  
Councilman Jim Young

Councilman Jim Talbot  
Councilman Cory Ritz

2013 MUNICIPAL PRIMARY

CANVASS REPORTS AND

MATERIALS

FARMINGTON CITY

AUGUST 20, 2013



*Davis County* ★ ★ ★  
**ELECTIONS**  
*Clerk/Auditor*

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Official Election Results  
Davis County  
Municipal Primary Election  
Held August 13, 2013  
Farmington City Council 2

Registered Voters: 11465 - Ballots Cast: 1388 12.11%

Doug R Anderson	559	41.19%
Kristen F Harbertson	464	34.19%
David Stringfellow	334	24.61%

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Official Results Davis County, Utah Primary Election Held on August 13, 2013		Canvass			Farmington City Council 2				
		Registered Voters	Ballots Cast	Turnout	Registered Voters	Ballots Cast	David Stringfellow	Kristen F Harbertson	Doug R Anderson
Farmington 1	Polling	703	49	6.97%	703	49	1	9	39
	Early Voting	703	0	0.00%	703	-	-	-	-
	Absentee	703	27	3.84%	703	27	3	15	7
	Provisional-Paper	703	0	0.00%	703	-	-	-	-
	Paper at Polls	703	0	0.00%	703	-	-	-	-
	<b>Total</b>	<b>703</b>	<b>76</b>	<b>10.81%</b>	<b>703</b>	<b>76</b>	<b>4</b>	<b>24</b>	<b>46</b>
Farmington 2	Polling	1,256	182	14.49%	1,256	182	74	3	105
	Early Voting	1,256	6	0.48%	1,256	6	2	-	4
	Absentee	1,256	26	2.07%	1,256	26	11	3	12
	Provisional-Paper	1,256	0	0.00%	1,256	-	-	-	-
	Paper at Polls	1,256	0	0.00%	1,256	-	-	-	-
	<b>Total</b>	<b>1,256</b>	<b>214</b>	<b>17.04%</b>	<b>1,256</b>	<b>214</b>	<b>87</b>	<b>6</b>	<b>121</b>
Farmington 3	Polling	1,023	10	0.98%	1,023	10	7	3	-
	Early Voting	1,023	2	0.20%	1,023	2	2	-	-
	Absentee	1,023	25	2.44%	1,023	25	6	12	7
	Provisional-Paper	1,023	0	0.00%	1,023	-	-	-	-
	Paper at Polls	1,023	0	0.00%	1,023	-	-	-	-
	<b>Total</b>	<b>1,023</b>	<b>37</b>	<b>3.62%</b>	<b>1,023</b>	<b>37</b>	<b>15</b>	<b>15</b>	<b>7</b>
Farmington 4	Polling	1,022	58	5.68%	1,022	58	47	7	2
	Early Voting	1,022	2	0.20%	1,022	2	2	-	-
	Absentee	1,022	34	3.33%	1,022	34	13	11	8
	Provisional-Paper	1,022	0	0.00%	1,022	-	-	-	-
	Paper at Polls	1,022	0	0.00%	1,022	-	-	-	-
	<b>Total</b>	<b>1,022</b>	<b>94</b>	<b>9.20%</b>	<b>1,022</b>	<b>94</b>	<b>62</b>	<b>18</b>	<b>10</b>
Farmington 5	Polling	857	44	5.13%	857	44	9	31	4
	Early Voting	857	3	0.35%	857	3	-	3	-
	Absentee	857	42	4.90%	857	42	4	30	6
	Provisional-Paper	857	0	0.00%	857	-	-	-	-
	Paper at Polls	857	0	0.00%	857	-	-	-	-
	<b>Total</b>	<b>857</b>	<b>89</b>	<b>10.39%</b>	<b>857</b>	<b>89</b>	<b>13</b>	<b>64</b>	<b>10</b>
Farmington 6	Polling	1,042	37	3.55%	1,042	37	10	19	7
	Early Voting	1,042	2	0.19%	1,042	2	-	2	-
	Absentee	1,042	56	5.37%	1,042	56	9	37	10
	Provisional-Paper	1,042	2	0.19%	1,042	2	1	1	-
	Paper at Polls	1,042	0	0.00%	1,042	-	-	-	-
	<b>Total</b>	<b>1,042</b>	<b>97</b>	<b>9.31%</b>	<b>1,042</b>	<b>97</b>	<b>20</b>	<b>59</b>	<b>17</b>

Official Results Davis County, Utah Primary Election Held on August 13, 2013		Canvass			Farmington City Council 2				
		Registered Voters	Ballots Cast	Turnout	Registered Voters	Ballots Cast	David Stringfellow	Kristen F Harbertson	Doug R Anderson
Farmington 7	Polling	790	78	9.87%	790	78	22	51	5
	Early Voting	790	12	1.52%	790	12	-	12	-
	Absentee	790	22	2.78%	790	22	1	16	2
	Provisional-Paper	790	0	0.00%	790	-	-	-	-
	Paper at Polls	790	0	0.00%	790	-	-	-	-
	<b>Total</b>	<b>790</b>	<b>112</b>	<b>14.18%</b>	<b>790</b>	<b>112</b>	<b>23</b>	<b>79</b>	<b>7</b>
Farmington 8	Polling	791	67	8.47%	791	67	23	22	21
	Early Voting	791	4	0.51%	791	4	2	2	-
	Absentee	791	18	2.28%	791	18	6	8	2
	Provisional-Paper	791	0	0.00%	791	-	-	-	-
	Paper at Polls	791	0	0.00%	791	-	-	-	-
	<b>Total</b>	<b>791</b>	<b>89</b>	<b>11.25%</b>	<b>791</b>	<b>89</b>	<b>31</b>	<b>32</b>	<b>23</b>
Farmington 9	Polling	1,107	72	6.50%	1,107	72	17	16	38
	Early Voting	1,107	1	0.09%	1,107	1	-	-	1
	Absentee	1,107	86	7.77%	1,107	86	9	26	44
	Provisional-Paper	1,107	0	0.00%	1,107	-	-	-	-
	Paper at Polls	1,107	0	0.00%	1,107	-	-	-	-
	<b>Total</b>	<b>1,107</b>	<b>159</b>	<b>14.36%</b>	<b>1,107</b>	<b>159</b>	<b>26</b>	<b>42</b>	<b>83</b>
Farmington 10	Polling	1,020	90	8.82%	1,020	90	18	44	23
	Early Voting	1,020	8	0.78%	1,020	8	1	5	2
	Absentee	1,020	31	3.04%	1,020	31	5	16	10
	Provisional-Paper	1,020	0	0.00%	1,020	-	-	-	-
	Paper at Polls	1,020	0	0.00%	1,020	-	-	-	-
	<b>Total</b>	<b>1,020</b>	<b>129</b>	<b>12.65%</b>	<b>1,020</b>	<b>129</b>	<b>24</b>	<b>65</b>	<b>35</b>
Farmington 11	Polling	1,194	66	5.53%	1,194	66	7	21	38
	Early Voting	1,194	6	0.50%	1,194	6	1	4	1
	Absentee	1,194	61	5.11%	1,194	61	17	26	15
	Provisional-Paper	1,194	0	0.00%	1,194	-	-	-	-
	Paper at Polls	1,194	0	0.00%	1,194	-	-	-	-
	<b>Total</b>	<b>1,194</b>	<b>133</b>	<b>11.14%</b>	<b>1,194</b>	<b>133</b>	<b>25</b>	<b>51</b>	<b>54</b>
Farmington 12	Polling	660	133	20.15%	660	133	3	5	125
	Early Voting	660	10	1.52%	660	10	-	-	10
	Absentee	660	16	2.42%	660	16	1	4	11
	Provisional-Paper	660	0	0.00%	660	-	-	-	-
	Paper at Polls	660	0	0.00%	660	-	-	-	-
	<b>Total</b>	<b>660</b>	<b>159</b>	<b>24.09%</b>	<b>660</b>	<b>159</b>	<b>4</b>	<b>9</b>	<b>146</b>
Grand Totals	Polling	11,465	886	7.73%	11,465	886	238	231	407
	Early Voting	11,465	56	0.49%	11,465	56	10	28	18
	Absentee	11,465	444	3.87%	11,465	444	85	204	134
	Provisional-Paper	11,465	2	0.02%	11,465	2	1	1	-
	Paper at Polls	11,465	0	0.00%	11,465	-	-	-	-
	<b>Total</b>	<b>11,465</b>	<b>1,388</b>	<b>12.11%</b>	<b>11,465</b>	<b>1,388</b>	<b>334</b>	<b>464</b>	<b>559</b>

[illegible]



Craig L. Holmes  
97 North main  
Farmington Utah 84025

August 19, 2012

Farmington City Council  
160 S Main Street  
Farmington, Utah 84025

Dear Farmington City Council,

I am the owner of the U-Haul dealership located at 97 North Main Street. My location has been a gas station and/or car repair service station since the 1940s. I am writing to respectfully appeal your August 7, 2012 denial of my request to allow a "small neighborhood truck and trailer rental dealer" as a zone text amendment. Your Decision seemed to be premised upon the recent action of the City making a small portion of Main Street a "Historic District", and that a U-Haul dealership is inconsistent with the City's vision for the Historic District.

U-Haul was created by a World War II veteran who came home from war and saw a need for having a means of moving their belongings from one location to another without the expense of owning their own truck or trailer. A customer could rent a trailer at a local gas station (*i.e.*, a U-Haul dealership) and return the rented trailer to a local U-Haul dealer near their new home. By the end of 1949, it was possible to rent a trailer one way from city to city throughout most of the United States. Indeed, there were literally thousands of U-Haul dealerships throughout the country, and most of them were small dealerships located in gas stations just like my location at 97 North Main. As such, I firmly believe that the repair business I have operated in Farmington for nearly 20 years and a U-Haul location are consistent with the post-World War II values, style, and usage of my building.

Importantly, the majority of the Farmington City Planning Commission recommended to the City Council that my requested amended allowing a "small neighborhood **residential** self-moving truck/trailer company" should be approved. *See* Planning Commission Minutes, June 14, 2012 (emphasis added). One thing that distinguishes U-Haul from other national moving carriers (such as Budget and Penske) is that U-Haul caters to the residential movers, as opposed to corporate customers. As such, U-Haul is uniquely qualified to comport with both the City's desire to maintain an authentic feel to Main Street, while also allowing me to pursue this line of service to Farmington residents. Moreover, the language of the Planning Commission's motion limits such companies to "residential self-moving" companies and to no more than eight vehicles. *Id.* As such, not only is U-Haul, by its very nature as a self-moving company, consistent with the City's plan for Main Street, the recommendation of the Planning Commission limiting the number of vehicles to eight is a built-in protection against the national carriers wanting to open a location on Main Street.

Christy Alexander, Associate City Planner of Farmington, quoted Alyssa Revel, Chair of the Historic Commission stating:

They are not in favor of allowing a U-Haul dealership in this location. She explained that the use of the building (windshield repair) was grandfathered in-it was a lesser use than the previous business. There are specific zones in the city which would allow a U-Haul business as a permitted or conditional use. Farmington is unique because Main Street is mostly residential.

*Id.* With all due respect to Ms. Revel, I am not sure whether her motivation is to re-write history or to preserve history. If it is to preserve history, which I hope it is, it seems to make more sense to preserve and reflect the appropriate age and style of my building. As stated above, my building has been a gas station/repair station since the 1940s. And, this is exactly the type of building where a post World War II American could expect to rent a U-Haul for his/her residential move.

Ms. Revel further referred to the uniqueness of Main Street as mostly residential. While this is in some sense accurate, at one point in history or another, Farmington City approved each and every building on Main Street. Thus, it does not matter if it was a residential and commercial building, the residents and businesses on Main Street, including mine, have co-existed for over a hundred years. Each property owner purchased property understanding that there are rights, responsibilities, and unique circumstances associated with Main Street, with the homes and businesses being co-mingled. This new Historic District leaves me with the responsibilities, and unique circumstances, but strips many of my rights as a property owner if the City refuses to allow me to add a U-Haul dealership to my location.

Roughly 15 to 20 years ago, Farmington City did allow Farmington Service and Towing to have a U-Haul dealership at the property directly across the street from my property. Farmington City did not make the owner close that portion of his business; he decided not to continue on his own accord. Would it be discrimination or merely selective enforcement of the city code to not allow me the same rights as the City afforded Farmington Service and Towing.

Farmington Planning Commissioner Michael Wagstaff said on June 14, 2012, quoting Ms. Revel's letter to the City, "The purpose of the BR zone is to limit commercial uses." *Id.* Mr. Wagstaff further stated that "there is a long list of possible uses which are far from complementing a historical district" and "many of the listed uses would be far worse than a U-Haul business." *Id.* He also added, "The overlay of the conditional uses and historic district are conflicting." He asked "what time period would be as standards for the historical district?"

In my opinion, the time period standard should be the age of the building and the use it was originally intended for or could have been used for at the time it was built and approved by the City. That would be an accurate representation of history, not a revisionist history that improperly limits property owner's rights.

Farmington Planning Commissioner Brett Anderson agreed with Mr. Wagstaff. He read aloud the list of 26 uses which would be allowed in the BR zone. He asked, "Would it be classified 'historic' if it [U-Haul] was an Amish Wagon Moving Company." *Id.* He said he was leaning toward approval of the request and does not know how the distinction can be logically drawn between this business [U-Haul] and a towing, welding, auto repair or any other business that is on Main Street.

For the record, it is important to note that HHI Construction Company has a large shipping and receiving yard behind their Main Street office frontage, and anyone can see it from State Street or the Wells Fargo Bank parking lot. This large shipping and receiving yard is in the Main Street Historical district, and also in close proximity of the Clark Lane Historical District. Yet, without explanation, HHI Construction has not been ordered to shut down within 30 days like my business was. I think that is fair to ask that I be afforded equal treatment.

As another example, Farmington Service and Towing is an auto repair shop across the street from my property, and typically has 10 to 15 vehicles and trailers parked in the front of his location at any given time. Nonetheless, I am not allowed to have even a single U-Haul truck or trailer at my location. This disparate treatment of similarly-situated business is of concern to me, and it affects my business.

Lest there be any confusion on this point, I have absolutely no problem with the way these aforementioned businesses use their properties. I simply raise the issue because I find it unsettling for Farmington to not allow me to use my property in a similar manner to conduct my business. I firmly believe that most residents of Farmington find your rejection of my request unreasonable. Coupled with the unequal treatment of similarly-situated business, I respectfully believe the City Council came to the incorrect decision for me and for Farmington.

I am respectfully requesting that the City revisit its decision denying my request. I not only have the right to have a U-Haul dealership, I feel my business and property would represent a part of history and fit into an Americana theme that many citizens still remember, which is simply loading up a U-Haul truck or trailer and moving from one house to another. I have already stated, and reaffirm here, that I am prepared and able to run this business in a manner that does not negatively impact the Historical District. More specifically, I only need a small truck and/or trailer on my front parking lot. The rest of the inventory can be stored in my shop or behind my building. I respect the decision of the City to have a historical district where I own property, but I simply ask for the same respect from the City. Allow me to exercise my property owner rights and have a U-Haul dealership that reflects a part of Americana in a historical district. I fully expect that if the zone text is changed and I am allowed to add U-Haul to my existing business, the City would issue some reasonable conditional requirements for me to operate under.

Should you have any additional questions or concerns, please feel free to contact me directly at (801) 599-7678.

Sincerely,

Craig L. Holmes